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[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—BILL TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919, FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

Clause 123-A—cont.

* The Hon. the PRESIDENT:—“ The discussion on the City Municipal Bill will be resumed.” 11-15 a.m.

* Diwan Bahadur A. APPADURAI PILLAI:—“ Mr. President, Sir, I have stated in connexion with the sections in the City Municipal Bill relating to cheris and hutting grounds that the owners of cheris are not inclined to effect any improvements. I have also explained that even in cases where cheri-owners are willing and inclined to effect improvements it is not a practical proposition to them seeing that it is not possible for them to secure an adequate return on the capital invested in effecting such improvements. I have also explained that the conditions of the cheris at the present moment are very insanitary and absolutely dangerous to public health. My contention is that unless the root cause is removed, viz., housing the cheri people in open places with sufficient air and suitable facilities for drainage and conservancy, thousand and one welfare centres or things of that kind would not answer our purpose. All these attempts will only be rendered nugatory for the simple reason that the most important requisites for the betterment and the proper living of these cheri people are drainage and conservancy. If these are to be carried out properly, it is up to the Corporation to tackle this problem in all its seriousness with reference to a proper plan. Sir, I am very grateful to the city fathers for the generosity they have shown in dealing with this slum question. They have been pursuing a policy of slum clearance. They have constructed some model tenements here and there in the city. I could quote for instance the cheri up the Broadway which was one of the worst parts of Georgetown. I believe the Corporation acted well in putting up cheap tenements and considerably improved the condition of the people living there. They have also put up tenements for slum people living near the Clive Battery, in Washermanpet and in Bogipalayam. A great deal remains to be done. While the Corporation has earned the undying gratitude of the people of cheris, I say that it is up to the Corporation to pay attention to this question on a well-planned scheme. Probably, it would be necessary to have a slum survey in the city to find out which localities require immediate attention. Some of the worst places should be taken up first and the tolerable places may be taken up later. Anyhow, I think the scheme should be based on a ten-year programme or spread over a longer period, by which it would be possible for the Corporation to deal systematically with this question, instead of on a spasmodic or scattered scale. My suggestion is that for such a policy it is not possible to look to private enterprise. Private owners, as I have already explained—I need not detain the House any longer on.

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that aspect of the question—have not been forthcoming to take this question in all seriousness for the simple reason that it is not possible for them to realize the money that they will probably be asked to invest upon this concern.

“ Sir, I have received a number of representations from several slum areas; some portions of these representations are very touchy. I do not wish to trouble the House with any detailed reading of these representations. Just a line here and a line there will show how keenly the residents of slum areas feel their inability to live better lives. One says: ‘ We are in a perpetual state of indebtedness and despair. There is no ray of hope to improve our lot.’ Another man says very pithily: ‘ We ask you whether it is not the duty of the Government to see that we are lodged in healthy houses, for in our health lies your health, in our strength your strength and in our happiness your happiness.’ Another man says: ‘ In our poverty-stricken, ill-paid hard miserable lifetime, how can we dream of becoming owners of our huts or small houses? But if the Government in addition to the rent charged collects a small sum of money for a number of years to enable us to purchase the huts, there is a chance for us to realize our hope and call the place of our living our own.’ These are some of the passages from the communications I have received from the slum dwellers of Madras, and I deemed it desirable that the House also should hear them. Sir, all this no doubt means finance. The question often arises as to how this problem should be tackled. If the position is once conceded that it is the look-out of the Corporation to tackle the question of slum improvement of its own accord, the question arises how the financial problem should be met. Sir, finance has to be faced. Private owners have to face the same liability as the Corporation. Sir S. D. Simon has a very fine passage in his book with reference to that point. He says:

‘ One argument frequently used against extending the housing activities of local authorities is that it means incurring very heavy indebtedness, which is said to be dangerous and bad. When the same people discuss the building societies, they cannot praise too highly their immense services in raising gigantic sums of money and in using them to build houses through private enterprise and so create valuable assets for the nation! In both cases there are debts and assets, in praising the building society only the assets are considered, in discrediting the local authority only the debts. Truly a remarkable feat in rationalizing one’s dislike of local authority building!’

If the question is, who should bear this burden whether the Corporation or the private owner, I believe the unmistakable answer of this Council will be that it is up to the Corporation to incur this liability and shoulder the responsibility. After all, the issue of debentures particularly for this purpose may probably bring in considerable response, and by means of loan funds it might be possible to incur expenditure on a planned scheme, bringing about a systematic improvement of cheris, providing the cheri people with the most elementary amenities of civic life.

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"Sir, there are two classes of slum people. Firstly, there is the migratory class which comes into Madras. Madras is getting overpopulated every year, for the simple reason that those who get into our blessed Madras do not get out of it whether it is the coolie or the middle-class man or the high-class person. Be that as it may, the migratory class of slum people we can find scattered all over the town. One cannot walk along the public road without seeing these people squatting on the roadside, and just beyond the kerbstone one is not able to walk along. These are used as camping places by the houseless people. Sir, walk along the road in front of the Memorial Hall and in front of the Rattan Bazaar, the tin bazaar and the glass bazaar, and you find people using the sides of the road as their habitation. The road itself is congested with the traffic of cycles, motor cycles, motor cars and other fast running vehicles, and there is no means for the wayfarer to walk about on the sides of the road, because they are all occupied by these houseless people. They set up camp fires there, prepare their meals; they contract marriages and carry on their usual avocations of life. Very happily they live under the canopy of the sky, and it is an eye sore to walk along the esplanades. Then what about the open spaces? Get along the road by the side of the fruit market and walk to the Fort railway station, and you can find groups of people living on road sides and making themselves comfortable under the trees. Sir, is it not the duty of the Corporation, which is the premier local body in the province to do something, to acquire sites and to house these people, where they can cook their meals, live and sleep there.

"There is another class of people, Sir, the coolie class the unfortunate hand cart puller and the coolie labourer who are permanent residents of the city, and have to be housed permanently on a scheme spread over a number of years. The Corporation could tackle the problem in a much better manner than any private owner. My proposition therefore is that this is a responsibility which lies heavily on the Corporation. Sir, thanks to the City Fathers, for they are already tackling the question is some way. If so, is it proper for us to arm the Corporation with powers to enforce private owners of cheris to carry out the improvements as are contemplated in sections 257-C to 257-O; should we not scrap these sections which deal with the real functions of the Corporation. Hence my suggestion to omit these sections 257-C to 257-O. With reference to the existing cheris there is ample provision in section 257-A, B and P, onwards. There are sections which invest the corporation with sufficient authority to insist upon improvements in the way of lighting, drainage, conservancy and all that sort of thing. But the other sections which aim at enforcing that duty on private owners, I think are unnecessary, if my proposal that it is the duty of the Corporation to make these improvements is accepted. It is not my intention that my amendment should be wholly accepted. If it is found that the acceptance of my amendment will in any way mar the sequence of other provisions in the Bill, I am prepared to accept any suggestion that may be put forward on a careful scrutiny

11-30
a.m.

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of the various provisions in the Bill to improve the situation. There may be drafting difficulties and other consequential alterations necessitated by the amendment, but the Secretariat would look to them. I beg of the Hon. Minister to consider this aspect, whether it is after all desirable and expedient to throw this responsibility on the private owners instead of on the local authority. We know that the Madras City Corporation is the premier local authority in the province. What is done by the Madras City would be copied by the local authorities in the mufassal. I therefore heartily commend my amendment to the acceptance of this hon. House."

* Diwan Bahadur R. SRINIVASAN:—"Sir, I second the motion. The hon. the Mover has dealt with the subject so exhaustively that I do not think it necessary to traverse the same ground over again. But the condition of the cheri is putrid and calls for urgent improvement. The boys in cheri streets sing songs to this effect: 'In towns many depressed classes people live in middle of streets; why numberless playgrounds. While hunger-stricken people are without shelters, what are radios for? When people with no employment cook in mid-roads, why parks and flower gardens?'

"That is a great reflection on the condition of the city. So I support what all my hon. Friend has said with his great experience on these matters."

* Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"Mr. President, Sir, in the first place I must thank on behalf of the Corporation, Mr. Appadurai Pillai for saying that the Corporation has earned the undying gratitude of people, for constructing tenements. As a matter of fact, I think he has answered himself in his speech when he asked the question what the Corporation is doing. He is not the only gentleman who has made suggestions as to what the Corporation should do to better the lot of the poorer classes. I get dozens of petitions everyday regarding the matter. Everybody speaks about what the Corporation should do, but nobody can suggest from where the Corporation should find the money. When we ask where the money is to come from they reply, 'it is your look-out.' Mr. Appadurai Pillai referred to issuing debentures and thereby getting the money for carrying out these improvements. But there again one has got to find money to pay the interest on debentures, unless, indeed, some generous-minded people lend money to it without interest. As a matter of fact, these tenements that the Corporation has constructed in Bogipalayam, harbour area and a few other places and rented out to these poorer classes, do not even pay the interest on the sums invested in their construction. Mr. Appadurai Pillai has quoted chapter and verse from authorities which deal with conditions in England. I hope he will agree with me that the conditions in India are different from those in England. We cannot apply to this country what has been done there and say that the same thing should be done here. The Corporation is not obvious of the several points mentioned in the report of the

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Corporation Housing Committee. It has done what it could and is trying to do what it can. As a matter of fact, the Housing Committee that sat in the Ripon Buildings for some time submitted a report wherein it suggested some wholesome improvements to be done to the poorer quarters of this city, particularly the cheris. The Corporation has asked Government for a loan of one crore of rupees. (An hon. Member: 'Two crores.') But, I suppose it will not be possible for them to grant such a large sum all at once. I hope that, if finances permit, Government will come forward with the loan and help the Corporation. As for deleting the provisions, Mr. Appadurai Pillai referred to in his speech, it seems to me that it is like casting all the responsibility on the Corporation and none at all on the private owners. There are private owners and private owners, but in the case of some of the private owners of these cheris you can more easily draw blood out of stone than get them to improve the cheri in any way. If it were possible I would introduce legislation more drastic to compel these private owners to do their duty by these people. They know only to extract rent. With these words I oppose the amendment."

Mr. ABDUL HAMEED KHAN:—"Mr. President, Sir, I was rather surprised that my hon. Friend, the Chief Whip of the party in power, should have himself given notice of an amendment like this and moved it with such a long speech as he did. I understand that he has been a resident of this city for a long time and he knows the conditions that are obtaining in it. In spite of all that, he thought it fit to move for the deletion of this very wholesome provision. And my surprise was greater when my esteemed Friend, Mr. Srinivasan, thought it fit to second that motion. If this provision is intended for anybody it is for the depressed classes who are the people who live largely in these cheris; and more than anybody else he ought to know the conditions in which they live. The condition in which they live is worse than the condition in which even the animals are kept. Such being the case, it should be possible for somebody to improve their condition. It has not been possible for the Corporation under the present Act to compel the owners of private cheris to improve them in order that they may be made more habitable for the inmates in them. In order to rectify that defect, it has been found necessary to introduce this provision. My friend who moved for the deletion of this provision wanted the Corporation to take the entire responsibility. He forgot that a public body could not legitimately interfere with the rights of private owners, nor could it find the large sum of money that would be necessary to purchase these cheris and improve them itself. There are three classes of cheris in the city; some of them are owned by the Government, some are owned by the Corporation, that is, the ground on which those houses are built: some are private-owned cheris. Private-owned cheris are larger in number and these are the plague spots of the city. The health of this city will never improve unless these black spots are removed from the face of the city. In order that this might be done, the Corporation should be empowered to compel the owners of private cheris to improve

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them at their own cost. As the Commissioner has himself pointed out, there are owners of private cheris who can well afford to improve the conditions there and enable these unfortunate people to live in houses which could be called human habitations. They can afford to do that and they can certainly raise the rent to some extent which these people also will be prepared to pay. But what is happening is this. They go and collect the rents all right, but when the question of improving the conditions of living comes, they turn a deaf ear. The Corporation cannot compel them under the present Act to effect the necessary improvements. Therefore this provision is necessary. My hon. Friend referred to the way in which coolies and labourers live in the open spaces in the heart and other parts of the city. That certainly is a question which has to be considered by a public body. Therefore the Corporation constituted a committee called the Housing Committee which went into the problem thoroughly and exhaustively and has brought out a very voluminous and very well made out report. In that report they have suggested three things: first of all to improve the cheris at the cost of the Corporation with the financial assistance of Government; the second is to build tenements in localities which would fetch low rents—and it seems to me it would be a very remunerative concern.

11-45 a.m. “Thirdly, they have also suggested extensions. These are the three suggestions they have made in that report. In order to achieve the first object, viz., the improvement of the cheris in the city, the Corporation has already taken some steps. To start with, as the Commissioner said, the Corporation has asked the Government to give them a loan of 20 lakhs. I am sure if the Government gives a loan of Rs. 20 lakhs, the Corporation will certainly carry out the improvements which my hon. Friend suggests wherever it is possible. They may even negotiate with private owners of cheris and if those people are prepared to sell the lands for a reasonable price, the Corporation will certainly be prepared to purchase them and construct tenements there. It is now left to the Government to realize the situation. I am afraid it has not been possible for the Corporation to make the Government realize that they should attach the necessary importance to the improvement of the conditions of living in the city. Housing conditions in the city are certainly far from satisfactory. It is the duty of the Government to come to the help of the Corporation by giving grants and loans to carry out this very wholesome object. I would once again appeal to my hon. Friends, Mr. Appadurai Pillai and Mr. Srinivasan, in the interests of the people who live in these cheris, not to press this amendment. It will certainly be in the interests of the people if my hon. Friend withdraws his amendment. It was said, Sir, that if this motion is not adopted, it will affect the future owners of these cheris. I do not know why one should anticipate the existence of cheris in the future. Is it not the duty of my hon. Friend, the Mover, and of my hon. Friend who seconded this motion to obliterate these cheris altogether? I am sure they will agree with me that the conditions therein are so bad that they should not exist any longer. When that should be their object, I do not know why they have come forward to delete this wholesome provision in the Bill.”

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* Diwan Bahadur C. NATESA MUDALIYAR:—" Mr. President, Sir, although the amendment before the House is to delete the proposed sections 257-C to 257-O, the speech of the hon. Mover was all for their retention. (Mr. T. S. Ramaswami Ayyar: 'It was just like your speech.') I am sorry for the interruption. If Mr. T. S. Ramaswami Ayyar was here yesterday afternoon he would have known how many amendments of that side were withdrawn after the Hon. Minister replied to the points raised therein. I will deal with it afterwards.

" Now, Sir, I would tell my hon. Friend, the Diwan Bahadur, representative of the Adi-Dravidas, that it is purely in the interests of the Adi-Dravidas themselves that this chapter was added. Sir, there are lands owned by Government and also by private individuals and when they are asked by the Corporation to improve the cheris built on them, they do not do anything. Therefore there is necessity for the Corporation acquiring those lands for carrying out the improvements. But on the question of acquisition all are not agreed. Some owners, on one side consent to acquisition and building model houses; on the other hand, some others say that the lands may be allowed to be improved by themselves so that they may occupy the places their ancestors occupied. So, in order to avoid acquisition, it is thought better to take power to compel the owner to effect improvement in his land and if he refuses, as he has been refusing for a number of years, to get the improvements carried out by the Corporation itself out of municipal funds and secure repayment of the expenses in instalments. If the owners are poor, municipal funds may be given or advanced. This is all for the good of the poor inhabitants of the cheris for whom my hon. Friend Mr. Appadurai Pillai has been pleading. These sections should therefore be retained.

" My hon. Friend was quoting from book after book. I heard it all, but I am inclined to think that they look as if that books were written only after seeing the activities in the Corporation of Madras. Sir, not now, for years together we have been attending to it. If they had seen what the cheris were like before, and what they are to-day, they would realize the magnitude of the work already accomplished by us. The Vasar Row cheri which was in a condition quite unfit for human habitation, now consists of a number of beautiful tenements occupied by the depressed classes for a nominal rent of Re. 0-8-0 or so. A similar dwelling outside the cheri could not be had for anything less than Rs. 5 per month. In the Varadarajapuram also the tenements are all very good. The Commissioner tells me that the rent is Rs. 1-8-0 and not annas eight as I said. But even then the rent is very cheap compared with that prevailing outside the cheris. Then there is the Bogipalaiyam where each tenement has got a kitchen, a hall, a bedroom, a latrine and an open space. For all this convenience, the rent charged is only Rs. 2 and Rs. 3. As the Commissioner said, it does not pay us even the interest on the capital. There are about 144 cheris in the City of Madras and to improve them all, in the opinion of our

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Corporation, a sum of Rs. 2 crores would be required. We are depending upon the Government for this amount. Of course the Government can give us half the amount as loan and the other half as grant. If they give us the whole amount in a lump as a result of the influence of Mr. Appadurai Pillai, we will take it to-morrow. Otherwise we will have to struggle with the Government to get the money; for repaying the Government money and other loans if raised we will have to pay towards sinking fund and interest every month. Will the revenues of the Corporation suffice for all that? If the Government gives us half the amount as grant and the other half as loan we will be much obliged in that we could do a lot to relieve unemployment also.

"In this connexion I may say that the people who live in the streets of the city, make up the floating population and come here from the outskirts to earn wages by working in the new construction. Of course, even for them if a philanthropic gentleman can build a choultry, they would be obliged and the Corporation would be glad. Corporation too will try to accommodate and in the circumstances above-said, I request the hon. Mover to withdraw his motion though, of course, I know that he did not withdraw his motion yesterday when requested by me. He went to nine different districts as Collector and so had no opportunity to see the conditions in Madras at all. He never knew what improvements have been taking place in Madras and how the depressed classes are being helped by the Corporation by their schemes for the improvement of cheries. This has been the policy of the Corporation ever since we entered it."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, I find that there has been some misconceptions about the provisions of this section. I think that the hon. Mover as well as his seconder is feeling that this is an encroachment on the rights of private people. I may tell them that the need for this section has been a very longfelt one. If at all the City Municipal Act is going to effect any improvement in the city's amenities, this one section will do it. For a long time it has been felt that the growth of slums within the city limits was a great menace, but the Corporation was powerless to check it. The main reason was financial. It is not possible for even the Madras Corporation to undertake this huge task. The second reason was that even granting that the Corporation is prepared to improve the hutting grounds or cheries, it had no right to do so, because the hutting grounds or cheries very often belonged to private individuals. As they were private property, so long as they were kept in a sanitary and clean condition, it was not open to the Corporation to step in and effect any improvement. The history of the beginning of slums may perhaps throw some light on this subject. For some years now, owing to agricultural depression in the surrounding districts, the labourers have been flocking to the city of Madras. They come in here, get casual or sometimes even permanent work, but not accommodation to live. They just put up a hut on some land—a coconut tope or waste land—belonging to a private individual. A number of such huts then spring up in that place without any reference to the needs of a dwelling

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place. The owner for his part manages to get some good rent from these people squatting on a land which has not been of any use to him. In some cases the owner gets even higher rent for such huts than for big houses. He is therefore satisfied. But in cases where the rent is only annas eight or so, the owner does not provide any convenience for his tenant but leaves the latter to adjust himself as best as he can. No attempt is made to improve the sanitation and even a latrine is not provided for. My hon. Friend Mr. Srinivasan may remember that it is only a few days ago that he complained to me about the insanitary condition of a hutting ground and said that if the Corporation would not come in and provide a latrine, the people in that area would not pay their taxes to the Corporation.

“ But the Corporation is helpless because it is a private man's land. That is why I said that so long as the owner gets his rent, he does not care about the sanitary conditions. If there is any rack-renting anywhere, it is only in these hutting grounds and the owner there gets very much more than the owner of big houses. The Corporation under the present Act has no power to compel the owner to lay out the hutting ground in any particular manner. Sometimes the Corporation is able to prosecute the owner of these grounds for keeping them in an insanitary condition. What is the result? Sometimes the owner pays a small fine imposed in the Magistrate's Court or if he finds it a nuisance to keep these people, he drives them out. After all, you are not going to solve the problem by prosecuting the owners. So far as the Corporation is concerned, it cannot spend any money because these hutting grounds do not belong to them. Evidently the mover of the amendment as well as its supporter are thinking of hutting grounds which belong to the poorer people, but they forget that most of the hutting grounds in Madras belong to private owners, where the owners have put up these huts. It is in order to improve the lot of these poorer people that this wholesome provision has been introduced. If you are going to delete this provision, certainly you are going to deprive these poor people of their right to live as human beings within the city. 12 noon.

“ I was referring to one example of this difficulty which the Corporation has been feeling with regard to these hutting grounds and that is the case of the Parthasarathi Kuppam. It is a hutting ground where poor fishermen are living for a number of years. The hutting ground belongs to the temple. The trustees of the temple are not able to provide even ordinary amenities to the people living there. When the Corporation interfered and asked the trustees to improve it, they would not do it. After some time one of the trustees was agreeable, but the other was not. There was some difference of opinion between them and the result was that the Corporation was not able to do any work in that area. If cholera or any other epidemic broke out in this area, the Corporation had no power to help the people of that kuppam. Afterwards a scheme was drawn up for improving the Parthasarathi

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Kuppam and the Director of Town Planning helped the Corporation to lay out a scheme and the Corporation was able to provide for the necessary finances also. But how to carry it out? The trustees would not co-operate. The Corporation's money was in the bank. Nothing could be done because the trustees would not co-operate. What are you going to do under such conditions? Unless the Corporation is given powers to interfere in such cases, it will not be possible to help the poor people. It has been said that the Corporation of Madras themselves should do these things. As I said, how can they interfere with private owners' rights. If this power is not given, the Corporation will not be able to undertake big schemes. With the limited finances they have, they have been able to solve the problem of slum clearance here and there by erecting buildings and tenements, and my hon. Friend Mr. Natesa Mudaliyar has stated at length that the Corporation has built such tenements and are helping the poor people. That is only touching the fringe of the problem. The problem is a very huge and colossal problem. So unless power is given under the Act to interfere with in cases, you are not going to solve the problem and help the poorer class of people. Therefore, Sir, I feel that you will not be doing the right thing if you are going to delete this wholesome provision in the Act."

* Diwan Bahadur A. APPADURAI PILLAI:—"I want to say a few words by way of explanation. My intention is not that the Corporation should not be armed with such powers. I am very sorry if that impression has been created in the minds of some of my hon. Friends. My point is there is ample provision under sections 257-A and 257-B onwards to give such powers to the Corporation, and that they give very drastic powers to them."

* Rao Sahib V. I. MUNISWAMI PILLAI:—"Some of the previous speakers have dealt with this matter exhaustively and I do not wish to take up much of the time of the House. I would like to point out that the cheris in Madras are in a very bad condition and the necessity for improving the same has been impressed in the minds of hon. Members of this House on several occasions. If we delete a wholesome provision like this, I think the Legislature will be doing a very great harm to the community which seeks to get its grievances redressed. The public as well as Government have been affording certain facilities to the depressed classes to get education, but I find that educated people do not like to go and live in cheris due to the insanitary condition of the places. If this section is allowed as has been recommended by the Select Committee, I think it will go a great way to enable the Corporation to improve the slums and cheris. Of course the Commissioner has been telling us that there are proposals to improve the cheris by getting big loans from the Government and I think it is up to this Council to see that recommendations to that effect are made for getting such loans from the Government. When we go to districts and ask the authorities to improve the cheris there, they ask us 'What

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about the cheris in Madras?.' If the City of Madras, the metropolis of the Province, is not improved, where is the scope for improving the cheris in the districts? So I oppose this amendment. I know my hon. Friend Mr. Appadurai Pillai is not averse to the welfare of the depressed classes. I know him when he was a Collector and how kind he was to the poorer people especially the depressed classes. I do not really find what his object is in moving this amendment. After hearing the speeches made so far, I hope he will withdraw his amendment."

* Mr. C. BASU DEV:—"Sir, I rise to support the amendment of my hon. Friend Mr. Appadurai Pillai. In doing so, I do not wish to detain the House by repeating the arguments or adding to the well informed and exhaustive theoretical disquisition of the Hon. Mover. I would refer to one or two doubts of a practical nature that struck me in this connexion. We all agree that in the City of Madras the Corporation should do its best to make the lives of the poorer classes of people as happy as possible. I think the intention of the framers of this section, at least its effect, is to provide means by which the Corporation could effect this with the minimum trouble and expense to itself and the maximum worry to the residents. It is here that we disagree. I would like to point out that in 1921 an Act was passed by this Council by which protection was given to the city tenants who are persons who have either built or own superstructures upon other people's land before 1921. Since then many others have built huts or houses and they will not come under the Protection Act. If the Standing Committee should decide that a particular cheri or a hutting ground should be taken over, at once the owner of the land will drive away the tenants of those huts or buildings built in those cheries, and their position will then be miserable. I do not know if the owner takes action before the Commissioner gives notice or invokes the power under the provisions of this Act, to evict those people in the huts, his action will be outside the pale of this section. What would be the effect of this provision which is intended to make the poorer people of Madras better and happy? In my opinion if this provision is insisted upon the effect would be to drive out the poorer class of people from the heart of the city where they work to the outskirts of Madras thus forcing them to walk miles and miles to their place of business. I can understand a provision like this; if you introduce side by side with it a provision for the protection of these hut owners against eviction proceedings of the landlord. Without the existence of a provision for their protection, a provision like this would be wholly infructuous, and its only effect would be to drive the slum dwellers out of Madras. Again, Sir, take a case of a plot of land consisting of only two grounds of land on which there are a number of huts built in an irregular and insanitary manner. What would be the cost of effecting improvements on this plot? At a modest estimate it would come to at least Rs. 1,000. What will be the cost of the land and what is the rent which the owner at the present moment is getting therefrom?

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“ My hon. Friend Mr. Ramaswami Ayyar spoke about these landowners rack-renting the tenants and getting large sums by way of rent. But he has not told the House how much exactly the landowner gets by way of rent from one ground. Mr. Appadurai Pillai was correct when he said that the landowner did not get more than Rs. 12 or Rs. 13 per month. If for this small return the landowner is forced to make all these improvements costing no less than Rs. 1,000, I should like to know how he would meet this expenditure. What will be the return that he will get on his investment? I am afraid we will be practically making him spend more than what he would get by way of rent.

“ Sir, I must however say here that I am not very much concerned with the owners of land. Being a socialist myself, I am more concerned with the tenants. Although I am indifferent or even sometimes hostile to these landowners, I must say that the net result of enforcing these provisions will be to compel these landlords who are to some extent sympathetic to drive their tenants bag and baggage from the heart of the city where they live and earn their living to the outskirts of the city. A better way will be for the Corporation to acquire the land required for the streets and provide the necessary amenities for the people. In 1921 when Mr. C. T. Alwar Chetti was elected for the Nungumbakkam division of the Corporation which consists of a number of cheris and hutting grounds, he somehow persuaded the Corporation authorities to put up electric lights in the streets of Halls Garden, Thousandlights and Mackays Garden. The technical objection that the Corporation did not own the land occupied by the streets in these localities was met by getting the owner of these cheris to transfer the land for a nominal value. The Corporation provided the residents of Madras from time to time with the amenities of electric lights, drains and roads. I do not see why a similar procedure should not now be adopted. I am sure the owners of these hutting grounds will always be prepared to transfer to the Corporation, even for a nominal value of Re. 1, the land occupied by the roads and streets. (Mr. T. S. Ramaswami Ayyar: ‘ Question.’) Even if the owners are not so prepared, we may include a provision here by which we can force them to hand over such land to the Corporation. After all even though the land occupied by the streets may be technically under the ownership of the landlord he cannot prevent anybody from making use of the streets, for the simple reason that the public by long usage have acquired a prescriptive right to use those streets. Except for mere sentimental value, the owners do not enjoy any right whatsoever over those lands. Therefore I do not see why my hon. Friend Mr. Ramaswami Ayyar should question my statement and say that owners would refuse to hand over the land to the Corporation. The question is more imaginary than real. But if one or two stubborn individuals refuse to hand over the land to the Corporation, I think suitable provisions can be made even now in this Bill by which we can force them to hand over the streets to the Corporation. It appears to me that this will be a better way of making the necessary improvements to these hutting grounds and cheris.

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All along the Corporation have been making improvements to the various localities at their own cost. They have not levied any extra lighting and drainage tax or betterment tax on the particular locality which has been so improved. They have only spent the money raised out of the taxes paid by the other rate-payers. Such being the case, why should the Corporation refuse to extend these benefits to the hutting grounds by taking over the land occupied by the streets? They can very well improve the localities by a very small expenditure of money.

"I do not want to detain the House longer. I should like to repeat what I said before that this provision by itself will force the owners to evict the tenants bag and baggage to the outskirts of Madras and that it will not be beneficial to the poor people. It will help only the richer classes, those who enjoy the luxuries of life and lead an easy and comfortable life and help them to drive the poor people out of the city so that the city may be made safe for them. This provision will certainly work great havoc on the poor classes. The Corporation must devise some means of retaining these sites and improving them so that the poor people may have some habitation near their place of business or avocation and not be forced to go to the outskirts of the city from where they will have to walk miles and miles with hungry stomachs both in the morning and in the evening."

* Diwan Bahadur A. APPADURAI PILLAI:—"Sir, I have listened to the speeches of the Commissioner of the Corporation and Mayor and I do not wish to press the motion. I do not want that the Corporation should always take over the lands of the private owners; but my object was to provide the Corporation with adequate powers to proceed against any private owner if it thinks it absolutely necessary. Sir, I do not wish to press my motion."

The motion was, by leave, withdrawn.

Section 257-L.

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, I move the following amendment:—

'Add the following words at the end of the proviso:—

"Such advance may be recovered in twenty annual instalments."

My amendment is a very simple one. In section 384 there is a provision by which the Commissioner may recover in twenty annual instalments any amount that he may spend on the improvement of any private land. In the same way, if the Corporation advances any sum to the owner of a cheri for the improvement of the cheri, the Commissioner should have the option of recovering the advance in twenty-four annual instalments. I request the Hon. the Chief Minister to introduce a similar provision in this section also."

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* Mrs. K. ALAMELUMANGATHAYARAMMA then spoke in Tamil and the following is an English summary of the speech:—

“ I second the amendment. What my hon. Friend Dr. Natesa Mudaliyar wants is that the poor people who are advanced money for the improvement of cheris or hutting grounds should have the facility of repaying the advance in twenty annual instalments. Sir, always poor people will find it difficult to find the necessary money. Already the dwellers in the cheri suffer a great deal for want of proper sanitary dwellings. The Corporation should do everything possible to improve their habitations. Therefore, if loans are advanced for the improvement of the cheris and the hutting grounds, the Corporation should only recover the advances in easy instalments spread over twenty-four years.”

* Mr. R. MADANAGOPAL NAYUDU:—“ Mr. President, Sir, it seems to me that this amendment is not necessary. The section says:

‘ Notwithstanding anything contained in section 384 . . . ’

“ What does section 384 say? It says that the improvement expenses shall be a charge on the premises for the benefit of which the same shall have been incurred and shall be recoverable in instalments in a period not exceeding twenty years. Twenty years is the maximum period, but the expenses may be recovered even in lesser number of years. But all that this proviso to section 257-L says is that the Corporation may order a portion of the improvement expenses to be met out of the municipal funds and a portion to be treated as a charge on the cheri or hutting ground. But I do not think it takes away the power of the Commissioner or the Corporation to apply section 384 as regards the method of recovering the amount due from the owner. The only thing that this proviso says is that a portion of the amount shall be charged on the cheri or hutting ground. Mr. Basu Dev said that the Corporation has not been meeting such improvement expenses. I wish to point out to him that the Act has specifically laid down that in cases in which the owner is too poor to afford to pay the improvement expenses the Corporation may pay the same out of the municipal funds.”

Mr. C. BASU DEV:—“ I never said that the Corporation has not been meeting the expenditure. I was only referring to the danger of eviction by the landlords.”

Mr. R. MADANAGOPAL NAYUDU:—“ The proviso says:

‘ . . . if it appears to the standing committee that any such owner is unable by reason of poverty, to pay such expenses or any portion thereof, in the case of expenses relating to work which should, in the opinion of the standing committee have been done by the owners or occupiers of huts within the cheri or hutting ground, it may order the same or any portion thereof to be paid out of the municipal fund . . . ’

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"Therefore I submit there are cases where it is contemplated that the whole of the improvement expenses might be met by the Corporation. Where only a portion is met by the Corporation and the other portion is advanced to the owner, all that this proviso says is that it shall be a charge on the cheri or hutting ground. As regards the method of recovery, section 384 will apply. There is no necessity to alter or add anything to this proviso."

* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, when the Commissioner makes some improvements to a private property, he has the power to recover the expenses in instalments not exceeding twenty in number. Section 384 will apply to such cases. But in this case the Corporation advances money to a private owner to make improvements to a cheri or hutting ground. Even in this case, the Commissioner should have the power to recover the advance in instalments not exceeding twenty in number. If the Hon. Minister gives an assurance that that is the intention of the Government, I will be satisfied. Anyhow I am going to withdraw my amendment. But I want an assurance that even in the case of advances made to private owners the recoveries will be lenient and will be spread over a period of twenty years."

* The Hon. the RAJA OF BOBBILI:—"Sir, I think, this amendment is unnecessary. It only says that such advances may be recovered in twenty annual instalments. Even now there is power in the hands of the Corporation to recover the amount in a period not exceeding twenty years. Section 257-L also provides that if special circumstances require it the Corporation may itself meet the whole or part of the expenses from out of the municipal funds. Simply because it is stated here that it will become a charge upon the cheri or hutting ground, it does not mean that the Corporation is prevented from recovering the amount in instalments. I think, Sir, the clause as it stands carries out the intention of the mover of the amendment Dr. Natesa Mudaliyar."

"As a matter of fact, a similar amendment was considered in the Select Committee and a provision of this nature was not considered necessary. I therefore feel that this amendment is unnecessary." 12-30 p.m.

* Diwan Bahadur C. NATESA MUDALIYAR:—"In view of the assurance given by the Hon. Minister, I withdraw the amendment."

The amendment was, by leave, withdrawn.

New section 257-X.

* Diwan Bahadur C. NATESA MUDALIYAR:—"I beg to move, Sir, the following amendment:—

'In sub-section (1) add the following at the end:—

"The Commissioner, if in his opinion the removal is desirable, may direct the owner to do so subject to the provisions of the City Tenants' Protection Act"

[Mr. C. Natesa Mudaliyar] [1st February 1936]

This is a very important amendment. I request the Hon. Minister to consider it well. There is the City Tenants' Protection Act existing. The proprietor of an extensive land wanted that all the superstructures built upon the land should be removed within a certain time and wanted the land back to him. In Triplicane in a place where 300 or 400 big houses were existing for generations, the owner of the land wanted all the superstructures to be removed and the empty land given back to him, and also in Halls Gardens where cheris were existing. Then the City Tenants' Protection Act was introduced according to which if the owner asks the tenant to remove the superstructure, the tenant can turn round and say, I shall buy the land, give the land to me. The preamble in the City Tenants' Protection Act is this: 'Whereas it is necessary to give protection to tenants who in many parts of the City of Madras have constructed buildings on other's lands in the hope that they will not be evicted so long as they pay a fair rent for the land'. Section 9 of that Act says: 'Any tenant who is entitled to compensation under section 3 and against whom a suit in ejectment has been instituted or proceeding under section 41 of the Presidency Small Causes Courts Act, 1882, taken by the landlord may, within 15 days after the date of this Act coming into force or within 15 days after the service on him of summons, apply to the Court for an order that the landlord shall be directed to sell the land for a price to be fixed by the Court. Section 257-X (1) says: 'The owner of any land included in a cheri or hutting ground and bearing a separate number in the assessment-book may, at any time, whether a standard plan for the cheri or hutting ground has been prepared under this chapter or not, send notice to the Commissioner that he intends to remove all the buildings or huts standing on such land.' Here the Commissioner can have the house and other things removed. I request the Commissioner to say whether this provision will not clash with the provision in the City Tenants' Protection Act. That is all my request. Most probably this chapter has been taken from the Bombay Municipal Act where the City Tenants' Protection Act does not exist. My only request is that the Commissioner should not do anything contrary to the provisions of the City Tenants' Protection Act, that the provision in the City Municipal Act does not clash with that in the City Tenants' Protection Act, which was introduced into this Council some time back and passed with much satisfaction."

Mrs. K. ALAMELUMANGATHAYARAMMA:—"I second it."

Mr. BASHEER AHMED SAYEED:—"Sir, I do not really see the significance of this amendment. The City Tenants' Protection Act exists there; it gives certain rights to occupants of land. Section 257-X only empowers the Commissioner to call upon the owner of land to do anything; or the owner of the land may notify that he is going to remove the houses or buildings that exist on the ground. The provision in the City Tenants' Protection Act is not relevant to this matter. If the owner wants to remove any house or building standing

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on the land, he will have to conform to the City Tenants' Protection Act. He cannot go against the rights that have already accrued to the owner of the building on the land. Where does the Commissioner come in? If the Commissioner comes in, he cannot ignore the City Tenants' Protection Act at all. Certainly it should be done subject to the provisions of that Act and the Commissioner should see that the rights of parties which have already accrued, are not affected. The Commissioner cannot alter any rights that have accrued to the parties under that Act, nor can the owner of any land over which occupancy right has been acquired under the City Tenants' Protection Act, by a mere stroke of pen or notice to the Commissioner that he was going to remove the buildings or superstructures, affect in any manner the rights of owners of superstructures. I think that this amendment does not fit in at all with the section. Such an amendment would be found to be unnecessary because the Commissioner cannot take away the rights of parties under the City Tenants' Protection Act, whether it be the owner of the land or the owner of any building or superstructure. What is required is this; to take the land out of the category of cheris or hutting grounds. When he attempts to do so, he will keep an eye on the provisions of the City Tenants' Protection Act and on the rights which have accrued to the party who has constructed the superstructure or a hut over the land. I do not see the relevancy of this amendment. The City Tenants' Protection Act exists for the benefit of owners of buildings; they will certainly have the benefit of that Act."

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I also feel that there is no necessity to have any reference to the City Tenants' Protection Act here in this section. The owner is given the right here of getting out of the operation of several clauses relating to cheris and hutting grounds. He can do it only where rights have not already been acquired in respect of superstructures under the City Tenants' Protection Act. Even in that Act also there is provision to the effect that the owner of the land should pay compensation to the owner of the superstructure. If he is prepared to pay compensation, he is entitled to have the land vacated. All that is necessary is the owner should give notice to the Commissioner that he is going to acquire the land. If he does so, he should act in conformity with the provisions of the City Tenants' Protection Act. There may be a number of cases where the City Tenants' Protection Act does not apply. I see that there is no necessity for making any special exemption in matters like this. I do not think that this new provision should be introduced to the effect that the Commissioner should draw the attention of the particular person to the existence of the City Tenants' Protection Act, and to the rights which the owners of houses have in respect of their houses under that Act. The owner of the land should pay due regard to it. When Mr. Natesa Mudaliyar moved a similar amendment in the Select Committee, it was pointed out to him that this was not necessary. There will be no difficulty with regard to the rights of owners of houses or to the rights acquired under the City Tenants' Protection Act."

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* Diwan Bahadur C. NATESA MUDALIYAR:—"Sir, in the Select Committee I moved this amendment; they expressed certain opinions against it. I want an answer from the Hon. the Chief Minister, i.e., from the Government in the open Council so that people will be satisfied that this Act will not clash with the City Tenants' Protection Act. Mr. Madanagopal Nayudu stated that there may be cases which come under the provisions of the City Tenants' Protection Act; there may be others which will not come under that Act. I want to know whether the provision in the Act here will clash with the City Tenants' Protection Act. My own opinion is it will clash, because under sub-clause (3) the owner shall, within six months or such further time as the Commissioner may from time to time allow, remove all buildings or houses standing on such land. The Commissioner may order the removal of all buildings on the land. That is the difficulty. If the Government assure us that this provision will not clash with the City Tenants' Protection Act and that the provisions of that Act will be observed with all sanctity, I have no objection to withdraw the amendment. Two lawyers have expressed their opinion. But to a common-sense man like me, it appears that the provisions of both the Acts will clash."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not think a speech is required from me after so much discussion on this amendment. As I understand it, the City Tenants' Protection Act still remains and is not going to be abrogated as a result of having a provision of this sort in this Act. Even if the provisions of this chapter are to be put into operation, it will be subject to the City Tenants' Protection Act. When action is taken under this provision, I believe that these tenants will be entitled to compensation. I therefore think that an amendment of this kind is not at all called for."

Diwan Bahadur C. NATESA MUDALIYAR:—"I withdraw my amendment; I thank the Hon. the Chief Minister for his assurance."

The amendment was, by leave, withdrawn.

Clause 123-A as amended and clause 124 were put and carried.

New clause after clause 124.

2-45 p.m. Mr. T. SUNDARA RAO NAYUDU:—"Sir, the amendment that stands in my name is this:—

'After clause 124, the following new clause shall be inserted, namely:—

"124-A. In the heading of Chapter XI of the said Act, for the words 'Dangerous Buildings,' the words 'Dangerous Structures,' shall be substituted'."

"This amendment, Mr. President, has been necessitated by the amendment made to section 258 of the Act in which the word 'building' has been replaced by the word 'structure'."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

New clause 124-A was put and carried.

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Clauses 125 to 137.

Clauses 125 to 137 were put and carried.

Clause 138.

Section 287.

Mr. T. SUNDARA RAO NAYUDU:—"I beg to move, Sir, the amendment that stands in my name, viz.:—

'For sub-section (4) of section 287, the following sub-section shall be substituted, namely:—

"(4) Every application for a licence for the use of any place for the purpose of storing or selling explosives, timber or other combustible materials shall contain a statement showing the boundaries and measurements of such place."

Mr. President, Sir, sub-section (4) of the new section 287 takes the place of section 290 (2) which relates to the depots or places used for storage of timber, firewood, charcoal and other combustible materials. Section 287 (4) simply says 'or of storing or selling timber or other materials' which may mean other kinds of material, not necessarily combustible material of the nature of timber. Hence it is that I am proposing this amendment."

Mr. R. MADANAGOPAL NAYUDU seconded it.

The amendment was put and carried.

New section after section 289-D.

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I beg to move the amendment standing in my name:—

'Add a new section after section 289-D as follows:—

"Nothing in the foregoing sections shall apply to bona fide cottage industries carried on exclusively for the benefit of and by workers in their own homes."

Sir, the object of my moving this amendment is that the provisions contained in sections 289, 289-A, 289-B, 289-C and 289-D regarding abatement of nuisance caused by steam-power, water-power or other mechanical power used in regular factories may not be put in force in respect of cottage industries carried on by workers in their own homes for their own benefit. Sir, poor people carry on small handicrafts in their own homes to earn a small income, for instance comb manufacture, and they will have sometimes to use such material as dead horns, bones, etc., and the carving of these may emit bad odour. In such cases, some of the subordinates of the Corporation will probably think that the use of such material causes inconvenience to the people in the neighbourhood and may place the workers under the restrictions contained in the above provisions. As I said, the intention of my amendment is to safeguard the interests of the cottage workers

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who work on a small scale and get a pittance from out of their labour. If the intention underlying the amendment is acceptable to the House, I hope the amendment will be passed."

Mr. M. DEVADASAN:—"I second the amendment, Sir. It is admitted on all hands that cottage industries should be encouraged in all places, not only in the mufassal but also in the metropolis. If that is so, it is absolutely necessary that the amendment proposed by my friend should be accepted by this Hon. House. With these words, I second the motion."

* The Hon. the RAJA OF BOBBILI:—"I am afraid I do not quite follow the object of the mover in bringing forward this amendment under this chapter. As I understand the position, these sections apply to factories as defined under the Act, and I am not sure whether cottage industries as described by my hon. Friend Diwan Bahadur Appadurai Pillai really come within the scope of these sections. I think we should give discretion to the Commissioner to require that rules, regulations and sanitary conditions are fulfilled even in the case of places where cottage industries are conducted. I personally feel that the amendment now proposed is not very relevant to these sections of the Act and have therefore to oppose it."

The amendment was, by leave, withdrawn.

Clause 138, as amended, was put and carried.

Clause 139.

Section 292.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Sir, I move—
'Omit clause (c) of sub-clause (i).'

[He spoke in Tamil and said that the maintenance of these public wash-houses was practically for the benefit of the poorer classes who could not afford to pay a tax for their use. Respectable persons, holy men, and persons having convenient quarters, would not resort to this place. Wayfarers, simple pilgrims, coolies who work hard in day time and intending to wash their clothes and body and other poorer classes of people only would resort to this place. This is one method of improving health. If a tax is levied and collected, what is the use? Is it to be let on contract or is previous permission to be got. Tax is only upon property; and on which property this tax is to be levied? I do not understand this. It would be magnanimous on the part of the Corporation to allow the free use of such wash-houses. If such free use was not allowed, he thought the very object for which these public wash-houses were to be maintained would be frustrated.]

Rao Sahib V. I. MUNISWAMI PILLAI seconded the amendment.

1 p.m. Mr. R. MADANAGOPAL NAYUDU:—"Mr. President, Sir, as a matter of fact there are a number of public fountains for bathing purposes and nobody is charged for using those places. But in the case of these

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dhobikhanas which are constructed at a special cost, I do not think hon. Members will allow people to wash their clothes without paying anything. The section only gives power to the Commissioner to charge certain fees, but I do not think the Corporation will be so unreasonable as to charge fees even when personal conveniences of people are concerned. As a matter of fact, as I have already stated, there are a number of public fountains for bathing purposes which are being very freely used by people. I therefore think there is no need for such a provision as this."

* Rao Bahadur P. C. MUTHU CHETTIYAR replying in Tamil said:—
"My difficulty is only that there is no mention of dhobikhanas in the section. Even if a man washes his own cloth, he will be charged; and if you want to restrict it only to dhobikhanas, you will have to make the wording clear by introducing the word dhobikhana, so that bathing places should be quite distinct from dhobikhanas. Otherwise there will be difficulty in regard to the interpretation of the section as it is. That is only my object."

* The Hon. the PRESIDENT:—"The question is—
'Omit clause (c) of sub-clause (i).'"

The motion was put and lost.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"Mr. President, I move the amendment that stands in my name, namely:—

'In sub-clause (ii), for the new sub-section (4), the following shall be substituted:—

"(4) In public wash-houses, the clothes of persons suffering from infectious diseases and of persons residing in the premises occupied by the persons suffering from such diseases shall be washed separately in a separate block set apart for the purpose and shall be washed by such methods as the Commissioner may lay down in that behalf".'"

Speaking on the motion in Tamil, he said:—

"Sir, my object in moving this amendment is to see that the wording in the section is so altered as to make the meaning clear. We should particularly see that such wash-houses are not used by all people irrespective of whether they are suffering from infectious diseases or not. Provision should be made to see that those suffering from infectious diseases are made to wash their clothes in a separate place and that separate licences should be issued for these two places separately by two separate men. Licence should not be given to one washerman for those two places. With this object in view I move my motion."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second the motion, Sir."

RAJ KUMAR M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, I think it is a reasonable amendment. It only goes a step further than the amendment put by the Government in the original Bill and it is

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certainly necessary that separate blocks should be provided if the object is to be achieved. Otherwise, it will be difficult to check whether a man is washing in the common place or in a separate place, because a lot of supervising staff is necessary. I think it will be decidedly easy on the part of the Corporation authorities to have separate blocks put up. Especially when there are a number of places, it should not be difficult to allocate a few places for this purpose. I would ask the Commissioner of the Corporation to tell the House his experience and whether it would be practicable to adopt this suggestion."

Dr. P. SUBBARAYAN :—" Mr. President, I would also like to support the motion moved by my hon. Friend Mr. Muthu Chettiyar. Especially after having heard the ex-Mayor, I think the Local Government should not find much difficulty in accepting this amendment, as it will make the work of the supervising staff of the Corporation easy."

* Mr. T. B. RUSSELL :—" I am somewhat surprised that several hon. Members who have advocated freedom in administration for the Corporation should have supported this amendment. Its main result would be to lay an obligation upon the Commissioner to construct separate blocks and I am not very clear as to how Government could enforce that obligation in the last resort. The section as it stands gives him full power to provide separate blocks if he finds this necessary. I therefore oppose the amendment."

Mr. T. S. RAMASWAMI AYYAR :—" Mr. President, I do not think the objection of the hon. Member, the Secretary for the Local Self-Government Department, is one which would induce us to delete this amendment. The hon. the Mover has stated that there should be separate blocks for washing the clothes of persons suffering from infectious diseases. The main section says that they should be separately washed. The hon. Mover of the amendment merely states that not only should the clothes of these persons be separately washed, but that they should also be washed in separate blocks. The hon. Secretary to the Local Self-Government Department said that this would impose a statutory obligation on the Commissioner. I do not know if it is a correct interpretation of the section. Suppose the Commissioner sets apart separate blocks for washing clothes, still persons may come there and wash the clothes of persons suffering from infectious disease in the block which has been set apart for washing the clothes of other persons. Then, how are they to be proceeded against. It is not entirely an obligation on the Commissioner, but an obligation on the people who come there to use that place for washing their clothes. After all, why should there be an obligation on the Commissioner himself. If the hon. Member feels that it will be good in the interests of public health, why not he accept the amendment even if it involves an obligation on the Commissioner. As a matter of fact, there are several provisions in the Act which say that the Corporation shall provide this and that thing; and if the Corporation should provide for washing-houses, why not they have separate blocks for persons suffering from infectious diseases. I feel that the amendment is certainly one which is good from

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the sanitary and public health points of view. I therefore strongly support the amendment moved by my hon. Friend Mr. Muthu Chettiyar. Moreover, Sir, as the hon. Member has taken great pains in the matter of studying this new Bill and coming forward with his suggestions in the form of amendments, I think it would be a good gesture on the part of this Council if his amendment is accepted."

* Mrs. K. ALAMELUMANGATHAYARAMMAL supported the amendment in Tamil and the following is an English rendering of the same:—

"I think, Sir, even from the point of view of hygienic principles this amendment is necessary. I am of the opinion that persons suffering from infectious diseases should not be allowed to wash their clothes in places set apart for other persons, and if this is allowed infection will spread to other people also. Now that you are going to have so many wash-houses in the whole city, it will be a wholesome provision to have separate blocks for such people. I am glad that the hon. Mover has brought forward this amendment and am also glad that so many hon. Members have supported this very important amendment. I have also great pleasure in supporting this amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I do not consider that there is any objection to this amendment. In cases where no such separate arrangement can be made what is to happen? Unless it is possible to give effect to the amendment there will be difficulty if we are bound statutorily. So I would suggest 'wherever such accommodation is available' will be the proper form for the amendment." 1-15 p.m.

* Diwan Bahadur T. A. RAMALINGAM CHETTIYAR:—"As it is the amendment does not present the difficulty mentioned by the Hon. the Chief Minister. The amendment says, 'shall be washed separately in a separate block set apart.' If there is no separate block for the purpose it won't apply. So the wording covers the difficulty. If no separate block is provided there will be no difficulty."

Mr. D. M. REID:—"Separate block, if available, set apart for the purpose' will be the proper form that will meet the difficulty."

RAJ KUMAR M. A. MUTHIAH CHETTIYAR OF CHETTINAD:—"I move to insert the word 'wherever' after the word 'block' in the amendment of Mr. Muthu Chettiyar."

The motion was duly seconded.

The Hon. the RAJA OF BOBBILI:—"I am afraid, Sir, that the amendment is quite alright without the words 'set apart.' If you keep the words set apart, the danger is it casts an obligation on the Corporation to set apart."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"The amendment as proposed by Mr. Muthu Chettiyar may stand. My point is that it must be obligatory on the part of the Corporation to set apart a separate block to wash clothes of persons affected by diseases."

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After all the Corporation may not have more than ten or fifteen washing places. It must be therefore easy for the Corporation to set apart one or two tubs for the purpose. If it is stated 'wherever such are provided' separate washing facilities may not at all be provided by the Corporation. I consider therefore that the amendment should stand as moved by Mr. Muthu Chettiyar and not as amended."

* The Hon. the RAJA OF BOBBILI:—"I accept the amendment suggested by the Kumara Raja of Chettinad."

The amendment of Raj Kumar M. A. Muthiah Chettiyar of Chettinad was put and carried.

The amendment of Rao Bahadur P. C. Muthu Chettiyar as amended was put and carried.

Clause 139 as amended and clauses 140 to 149 were put and carried.

Clause 150.

Section 306.

* Rao Bahadur P. C. MUTHU CHETTIYAR:—"I move—

'Add a new sub-clause (f) at the end of section 306 as follows:—

"(f) keep the mutton stalls away from the public gaze in model stalls devised by the Commissioner for the purpose."

Speaking on the motion in Tamil, he said:—

"Wherever you go in the streets you find along the streets dead animals hanging. None should see such fierce sights. That is my opinion. In Western countries they hang figures of sheep or bull to indicate the kind of stall. Their interior stall-floors and walls are lined with glazed stones which are washed and kept clean. Here they are stinking and flies are always hovering over the dried blood and germs are formed. Being exposed along the streets birds carry them and throw the bones on the towers and sacred walls of temples and sacred places. The mere sight of them is a sin. Such things should be made impossible."

Mr. K. A. NACHIYAPPA GOUNDER:—"I second it."

* The Hon. the RAJA OF BOBBILI:—"I entirely agree with the idea. The difficulty seems to be how to give effect to it in all cases. I think it is really a matter for the Corporation to attend to and not to be embodied in a statute. I am sure the Corporation will consider the discussions on this amendment and carry out necessary proposals. I therefore appeal to my hon. Friend not to press his amendment."

The amendment was by leave withdrawn.

Clauses 150 and 151 were put and carried.

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Clause 152.

Section 309.

* Mr. T. B. RUSSELL:—"I move—

For sub-clause (1) (i), the following sub-clause shall be substituted, namely:—

"(i) For the words 'flesh or fish intended for human food,' the following shall be substituted, namely:—

'flesh, fish or poultry intended for human food—

(a) in any place within the limits of the city, or

(b) in any place within three miles of such limits and not included in any municipality constituted under the Madras District Municipalities Act, 1920.' "

"The second part of the amendment restricts the power to such places as are not governed by the District Municipalities Act as without this restriction the Council could take action within the limits of Saidapet and this would lead to a conflict of jurisdiction with that municipality. The question of amending the District Municipalities Act suitably is under consideration."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 152 as amended and clauses 153, 154 and 155 were then put and carried.

Clause 156.

Section 316.

* Mr. T. B. RUSSELL:—"Sir, I beg to move the amendment standing in my name, viz.:—

'For clause 156, the following clause shall be substituted, namely:—

"156. In sub-section (1) of section 316 of the said Act—

(i) after the words 'or other article of food,' the words 'or any utensil or vessel' shall be inserted; and

(ii) the words 'in such manner as to prevent its being used for human food or exposed for sale' shall be omitted.' "

"That is purely a verbal alteration including the omission of some superfluous words."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 156 as amended and clauses 157 to 159-A and 160 to 168 were then put and carried.

* The Hon. the PRESIDENT:—"The House will now adjourn and meet again at 11 a.m. on Monday next."

D. K. V. RAGHAVA VARMA,
Acting Secretary to the Legislative Council.